IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Box Sequence
	)	
KATO et al	)	Examiner:
	)	
Appln. No.: 10/049,957	)	Washington, D.C.
Entry Requested: 19-FEB-2002	)	
	)	
IA No.: PCT/JP00/05590	)	
IA Filed: 21-AUG-2000	)	July 5, 2002
	)	
For: CHONDROGENESIS PROMOTERS	)	Atty.Docket: KATO=21
...	)	

RESPONSE TO NOTICE TO COMPLY WITH
SEQUENCE LISTING REQUIREMENTS

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

      In response to the Notice to Comply included in the

Notification of Missing Requirements dated May 7, 2002, and

prior to the examination of the above-described application,

please amend the present application as follows:

IN THE SEQUENCE LISTING

      Please substitute the attached Sequence Listing,

numbered as pages 1-16, for the one previously submitted.

REMARKS

Applicants have added into the present specification a substitute paper copy Sequence Listing section according to 37 C.F.R. §1.821(c) as new pages 1-16. Furthermore, attached hereto is a 3 1/2" disk containing the "Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1.821(e).

The following statement is provided to meet the requirements of 37 C.F.R. §1.825(a) and 1.825(b).

I hereby state, in accordance with 37 C.F.R. §1.825(a), that the amendments included in the substitute sheets of the sequence listing are believed to be supported in the application as filed and that the substitute sheets of the sequence listing are not believed to include new matter.

I hereby further state, in accordance with 37 C.F.R. §1.825(b), that the attached copy of the computer readable form is the same as the attached substitute paper copy of the sequence listing.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though

that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.
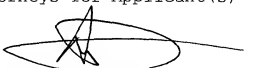
Applicants submit that the present application contains patentable subject matter and therefore urge the examiner to pass the case to issuance.

If the examiner has any questions or comments concerning the above described application, the examiner is urged to contact the undersigned at the phone number below.

Respectfully submitted,

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